IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6460 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BALMUKUND G BINNIWALA

Versus

CHAIRMAN

Appearance:

None present for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/07/2000

ORAL JUDGEMENT

#. The matter was admitted by this court on 13th September, 1991 and interim relief has been granted by the court in the following terms:

"Rule returnable on 14.10.91. By way of ad-interim relief, respondents are directed not to disconnect the electricity supply of the petitioner. However, the petitioner shall go on

paying the electricity as if the premises are liable to be assessed as residential premises an the computation of the amount in that behalf shall be supplied to the petitioner and on such computation being supplied, the petitioner shall deposit the amount with the respondents. D.S. permitted."

It is the case of petitioner that the premises, i.e. the drawing room is used for the office purpose. The office of the advocate is not a commercial establishment and as such, the action of the Board is wholly arbitrary and unjustified to levy electricity charges at commercial rate. The petitioner has made reference to the decision of the High Court as well as Hon'ble Supreme Court in support of the plea taken that lawyer's premises (office) cannot be treated as commercial establishment. Nobody is present on behalf of respondent-Board. From the record of the special civil application also, which is placed in the court, I do not find that reply has been filed.

#. So interest of justice will be served in case this writ petition is disposed of in the terms that the petitioner, for the grievances made in the special civil application, if still survive, to make a representation to the Board and the Board shall decide the same in accordance with law within a period of fifteen days from the receipt thereof. Till representation filed by the petitioner is decided by the Board, interim relief granted by this court shall continue. In case the Board is not in agreement with the contention raised by petitioner, a reasoned order be passed and a copy of the same be sent to the petitioner. The petitioner has to file the representation within fifteen day from the date of receipt of writ of this order. Liberty is granted to the petitioner for revival of the special civil application in case of difficulty. The special civil application and Rule stand disposed of accordingly with no order as to costs.

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(sunil)